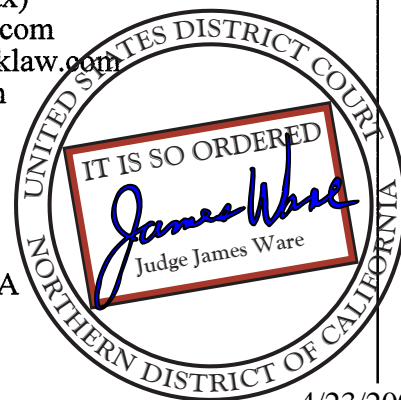


COUGHLIN STOIA GELLER
 RUDMAN & ROBBINS LLP
 SHAWN A. WILLIAMS (213113)
 100 Pine Street, Suite 2600
 San Francisco, CA 94111
 Telephone: 415/288-4545
 415/288-4534 (fax)
 shawnw@csgrr.com
 – and –
 TRAVIS E. DOWNS III (148274)
 JEFFREY D. LIGHT (159515)
 BENNY C. GOODMAN III (211302)
 655 West Broadway, Suite 1900
 San Diego, CA 92101-3301
 Telephone: 619/231-1058
 619/231-7423 (fax)
 travisd@csgrr.com
 jeffl@csgrr.com
 bennyg@csgrr.com

BARROWAY TOPAZ KESSLER
 MELTZER & CHECK, LLP
 ERIC L. ZAGAR (250519)
 ROBIN WINCHESTER
 TARA P. KAO
 280 King of Prussia Road
 Radnor, PA 19087
 Telephone: 610/667-7706
 610/667-7056 (fax)
 ezagar@sbtclaw.com
 rwinchester@sbtclaw.com
 tkao@btkmc.com

Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION



In re AFFYMETRIX DERIVATIVE
 LITIGATION

No. C-06-05353-JW

4/23/2009

This Document Relates To:

ALL ACTIONS.

NOTICE OF STATUS OF FILING
 SETTLEMENT DOCUMENTS

DATE: April 27, 2009
 TIME: 9:00 a.m.
 COURTROOM: The Honorable
 James Ware

1 This statement is filed on behalf of Federal Plaintiffs Samuel D. Powers, Dr. Norman Bolz
 2 and Dr. Irwin Berkowitz, Individual Defendants Stephen P.A. Fodor, Ph.D., Paul Berg, John A.
 3 Young, John D. Diekman, Vernon R. Loucks, Jr., David B. Singer, Kenneth J. Nussbacher, Richard
 4 P. Rava, Gregory T. Schiffman, Susan E. Siegel, Edward M. Hurwitz, Vernon A. Norviel and
 5 Ronald D. Verdoorn, nominal defendant Affymetrix, Inc. ("Affymetrix") and Affymetrix's Special
 6 Litigation Committee of its Board of Directors. We previously advised the Court that the parties in
 7 this action have agreed to terms on a settlement of this derivative action, and a hearing for
 8 preliminary approval of the proposed settlement has been set for Monday, April 27, 2009, at 9:00
 9 a.m. The parties have been diligently working on the drafting of a mutually agreeable stipulation of
 10 settlement and supporting papers over the last several weeks. The negotiation and drafting of those
 11 papers is completed and the parties are in the process of final approval. As a result, the parties
 12 believe that they will be able to file the stipulation and supporting papers no later than noon on
 13 Wednesday, April 29, 2009. The parties therefore respectively propose that the hearing for
 14 preliminary approval of settlement be continued until Monday, May 4, 2009, at 9:00 a.m., or such
 15 time that would be convenient for the Court.

16 DATED: April 23, 2009

COUGHLIN STOIA GELLER
 RUDMAN & ROBBINS LLP
 SHAWN A. WILLIAMS
 100 Pine Street, Suite 2600
 San Francisco, CA 94111
 Telephone: 415/288-4545
 415/288-4534 (fax)

COUGHLIN STOIA GELLER
 RUDMAN & ROBBINS LLP
 TRAVIS E. DOWNS III
 JEFFREY D. LIGHT
 BENNY C. GOODMAN III

24 s/ Jeffrey D. Light
 JEFFREY D. LIGHT

655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)

BARROWAY TOPAZ KESSLER
MELTZER & CHECK, LLP
ERIC L. ZAGAR
ROBIN WINCHESTER
280 King of Prussia Road
Radnor, PA 19087
Telephone: 610/667-7706
610/667-7056 (fax)

Lead Counsel for Plaintiffs

IT IS SO ORDERED:

The Preliminary Approval hearing currently set for April 27, 2009 at 9:00 AM is CONTINUED to May 4, 2009 at 9:00 AM. The parties are to file their respective documents on or before **April 29, 2009 by NOON.**

Dated: April 23, 2009


United States District Judge James Ware

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 23, 2009.

s/ Jeffrey D. Light

JEFFREY D. LIGHT

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)

E-mail: jeffl@csgrr.com

Mailing Information for a Case 5:06-cv-05353-JW

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Arthur Joseph Burke**
arthur.burke@dpw.com
- **Barbara A. Caulfield**
bcaulfield@dl.com,shanlon@dl.com
- **John Walter Downing**
jdowning@dl.com
- **Travis E. Downs , III**
travisd@csgrr.com,e_file_sd@csgrr.com
- **Angela Lucille Dunning**
adunning@cooley.com
- **John C. Dwyer**
giovannonib@cooley.com,dwyerjc@cooley.com
- **Lawrence Timothy Fisher**
ltfisher@bramsonplutzik.com,moldenburg@bramsonplutzik.com
- **Benny Copeline Goodman , III**
bennyg@csgrr.com,e_file_sd@csgrr.com
- **Jeffrey Michael Kaban**
kabanjm@cooley.com,mcintoshjc@cooley.com
- **Alan R Plutzik**
aplutzik@bramsonplutzik.com
- **Alan Roth Plutzik**
aplutzik@bramsonplutzik.com
- **Peter Edward Root**
proot@dl.com,dmeek@dl.com
- **Kathryn Anne Schofield**
kschofield@bramsonplutzik.com,moldenburg@bramsonplutzik.com
- **Rajat Soni**
rajat.soni@dpw.com,arthur.burke@dpw.com,brian.romanow@dpw.com
- **Robin Winchester**
rwinchester@sbtclaw.com,cmcginnis@sbtclaw.com,swolfenden@sbtclaw.com
- **Eric L. Zagar**
ezagar@sbtclaw.com,kpopovich@sbtclaw.com,der_filings@sbtclaw.com,rwinchester@sbtclaw.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Sandra G. Smith
Schiffrin Barroway Topaz & Kessler, LLP
280 King of Prussia Road
Radnor, PA 19087

Manual Notice

Justin Goodyear
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017
212/450-4000
212/450-3800 (Fax)